

**BEFORE THE GEORGIA GOVERNMENT TRANSPARENCY AND
CAMPAIGN FINANCE COMMISSION
STATE OF GEORGIA**

IN THE MATTER OF:

SWITCH, LTD.

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CASE NO.

21-0008-C

CONSENT ORDER

This matter comes before the Georgia Government Transparency and Campaign Finance Commission (hereinafter "Commission") pursuant to a complaint filed *sua sponte* by the Commission on June 2, 2021. Now, prior to a final hearing on this matter, Respondent Switch, LTD. (hereinafter "Respondent") and the Commission agree to resolve the above-styled matter by Consent Order under the terms and conditions described herein.

FINDINGS OF FACT

Respondent is a limited liability company headquartered in Nevada and does business as a foreign limited liability company in Georgia. Respondent is a technology company who operates data storage and technological centers for various companies nationwide. Respondent formed as a business in Georgia in 2017 and began making political contributions in the aggregate over \$25,000.00 to candidates in Georgia.

At the time of the alleged violations, Respondent was a non-exempt business entity that was required to file disclosure reports once they made contributions in the aggregate amount over \$25,000.00 to political candidates or public officers in Georgia. *See generally* O.C.G.A. § 21-5-34(e). Once Respondent crossed the threshold of giving contributions in the aggregate amount of \$25,000.00, they were required to register with the Commission and file disclosure reports that listed the candidates who received contributions and disclosed the total amount of contribution received. *Id.*

In this matter, Respondent self-reported to the Commission in 2020 they had made aggregate contributions to candidates over \$25,000.00 in 2018, 2019, and 2020 and they had failed to register and report this to the Commission. Respondent took immediate steps to register with the Commission and commenced filing reports upon self-reporting their own violations of the Act. Respondent contributed \$47,100.00 in 2018 to candidates, \$43,150.00 in 2019 to candidates, and \$95,900.00 to candidates in 2020.

Respondent has been extremely cooperative in this matter and taken remedial steps to ensure compliance with the Act in the future. By self-reporting their violations and turning over relevant documents, Respondent helped the Commission bring this investigation to a close in an expeditious manner.

In this matter, the Commission finds that Respondent failed to properly register and file reports when they made aggregate contributions to candidates over \$25,000.00 in years 2018, 2019, and 2020.

CONCLUSIONS OF LAW

The Commission finds that Respondent violated O.C.G.A. § 21-5-34(e)(2) of the Georgia Government Transparency and Campaign Finance Act in that:

1. Respondent violated O.C.G.A. § 21-5-34(e) when they made aggregate contributions to candidates in excess of \$25,000.00 to candidates in 2018 and failed to file disclosure reports.
2. Respondent violated O.C.G.A. § 21-5-34(e) when they made aggregate contributions to candidates in excess of \$25,000.00 to candidates in 2019 and failed to file disclosure reports.
3. Respondent violated O.C.G.A. § 21-5-34(e) when they made aggregate contributions to candidates in excess of \$25,000.00 to candidates in 2020 and failed to file disclosure reports.

HOLDING

In resolving this matter, Respondent hereby agrees to the following:

Respondent will pay a civil penalty in the total amount of \$12,000.00 to the Commission for violating O.C.G.A. § 21-5-34(e)(2).

Respondent further agrees to pay \$12,000.00 in civil penalties and late fees detailed *supra* to the Commission within thirty (30) days from the date of this Order. Said \$12,000.00 civil penalty and late fee balance will not be subject to the assessment of interest, unless Respondent defaults on this agreement at which time statutory interest pursuant to O.C.G.A. § 7-4-12 shall accrue, and there shall be no pre-payment penalty associated with advanced payments made by or on behalf of Respondent.

Respondent further agrees not to commit any further violations of the Georgia Government Transparency and Campaign Finance Act and corresponding Commission Rules.

Respondent represents that the foregoing findings of facts are true, agrees with the conclusions of law, and further agrees to abide by all terms of this Order. By signing this Order, Respondent waives any right to appeal pursuant to the procedures outlined in the Administrative Procedures Act (APA), O.C.G.A. § 50-13-1 *et. seq.*

Failure to comply with the terms herein, absent a showing of good faith, will constitute a willful and knowing violation of said terms by Respondent. Respondent's failure to comply with said terms shall constitute a breach of this agreement and thereby authorize the Commission to seek enforcement and/or collection of this order by subsequent contempt or other proceedings against the Respondent in the Superior Court for the State of Georgia. The parties agree that all costs and attorneys' fees incurred by the Commission in any enforcement action shall be assessed against Respondent pursuant to O.C.G.A. § 21-5-6(b)(14)(C)(iv).

The Commission adopts the foregoing findings of fact and conclusions of law and orders the implementation of the terms of this Consent Order.

Signature attested to on this 11th day
of June, 2021.

By Corinne M Caldwell
Public Notary



My Commission Expires: January 14, 2022

M. Drew Woolbridge
Attorney and Representative for Switch, Ltd.
Ga. State Bar No. 775979

Order Prepared and Presented by:

Joseph M. Cusack
Senior Staff Attorney
Georgia Bar No. 492674

SO ORDERED this 24th day of June, 2021.

Georgia Government Transparency and Campaign Finance Commission

BY:

Jake Evans
Chairman of Commission